IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8816 of 2005

Between:

M/s. Sree Kanya Cables Pvt., Ltd., rep by Chairman

Sri P.B. Vishal Gupta, Mogilivalasa Village,

Rajam Mandal, Srikakulam District.

..... PETITIONER

AND

1. The Commercial Tax Officer, Commercial Tax Dept, Rajam,

Srikakulam District.
2 The Commissioner of Industries, Chiragali Lane, Abids,

Hyderabad-1.
3 The Deputy Commissioner, Commercial Tax Dept.,

Vizianagaram, District Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate Writ, order or direction, declaring the proceedings in R.C. No. 312/1996 B9
dated 10-03-2005 of 1st Respondent as highly illegal, arbitrary unjust void and consequently declare the respondents to reschedule of the repayment of interest

free deferment of sales tax and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner: Mr.K.Raghu Babu, Advocate.

For the Respondents: GP for Commercial Tax.

The Court made the following:

ORDER: (per Sri B. Sudershan Reddy, J)

Even according to the learned counsel for the petitioner, the impugned order does not suffer from any infirmities as such requiring any correction by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. Learned counsel for the petitioner, however, states that the petitioner is ready and willing to pay the amounts if reasonable time is granted by the Department enabling it to realize the money due to it from the AP TRANSCO. It is not for us to grant any time as such as prayed for enabling the petitioner to pay the tax due.

However, this order shall not preclude the petitioner from making an appropriate representation to the authorities concerned seeking their indulgence to extend the time for payment of tax. If any such representation is made, the same may have to be considered on its own merits uninfluenced by the dismissal of this writ petition.

The Writ Petition is accordingly dismissed.

(B. Sudershan Reddy, J)

20-04-2005

(C.V. Ramulu, J)

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To

1. The Commercial Tax Officer, Commercial Tax Dept, Rajam,

Srikakulam District.

2 The Commissioner of Industries, Chiragali Lane, Abids,

Hyderabad-1.

3 The Deputy Commissioner, Commercial Tax Dept.,

Vizianagaram, District Vizianagaram.

4. Two CCs to the Government Pleader for Commercial Tax, High Court of Andhra Pradesh, Hyderabad (OUT).

5. Two CD copies.